

**REMARKS**

Favorable reconsideration of the subject application in view of the amendment above and comments below is respectfully requested.

Claims 1-8, 11-12 and 15-20 are pending in the subject application. In order to expedite prosecution of the application, Claim 1 has been amended to incorporate the elements of claims 9 and 10. In the Interview of January 5, 2004, the Examiner agreed that this amendment would obviate the prior art rejections of record. However, Applicants explicitly reserve the right to pursue the broader subject matter of Claim 1 as it stood prior to this amendment, in future continuation applications. No new matter is added.

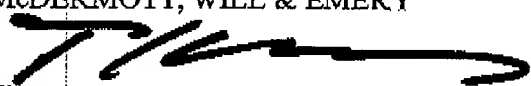
**Rejection of Claims 1-12 and 15-20 Under 35 U.S.C § 112, First Paragraph**

Claims 1-12 and 15-20 stand rejected under 35 U.S.C § 112, first paragraph. The Examiner states that the specification does not enable a method of transforming monocotyledonous plant cells with *Agrobacterium*.

In the Interview of January 5, 2004, Examiner reconsidered Applicant's argument in view of Narasimhulu et al., *The Plant Cell*, Vol. 8: 873-886, May 1996. The reference demonstrates that transient transformation of both monocots and dicots mediated by *Agrobacteria* was obtainable at the time of the invention. The Examiner indicated that if the reference taught transient transformation of monocots by *agrobacteria* (which it unequivocally does), this rejection would be withdrawn. Additionally, the Examiner indicated that upon initial perusal of the reference appears to support Applicants' case. Accordingly, the rejection of claims 1-20 under 35 U.S.C. § 112, first paragraph is respectfully traversed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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